

From: Dave Ruske
To: Microsoft ATR
Date: 1/23/02 1:21pm
Subject: Microsoft Settlement

January 23, 2002

As a someone who has made their living developing software for the last 16 years, most of it on Microsoft platforms, I would like to offer my opinions on the proposed settlement in the Microsoft antitrust case.

Several weeks ago I received a phone call from someone with Microsoft's "Freedom to Innovate Network." This person asked if I had heard about the proposed settlement, and after asserting that prolonged litigation would cost taxpayers money and be bad for consumers, he asked my opinion. When I declined to give it, he politely ended the call.

I write today because I believe the proposed settlement falls far short of what is necessary to restrain Microsoft and foster competition in the software industry. Moreover, I am deeply concerned about Microsoft's expanding reach even outside the industry. It is clear that their "Freedom to Innovate Network" spreads propaganda, manipulating public opinion for political gain. I expect that many of the comments you have received are the direct result of these manipulations. Will dissenting voices even be heard above the din Microsoft has created?

I do believe that prolonged litigation would be costly, and that Microsoft would fight with tenacity. Nonetheless, this fight is necessary. Not only does the proposed settlement fail to deprive Microsoft of the fruits of their past illegal practices, it is weak on enforcement for the future. Why should Microsoft refrain from further violations? By the time violations are caught and acted upon, the damage may be irreparable to competitors and the market may be locked in to yet another Microsoft-entangled technology.

As a software developer, freedom to innovate means choosing the best technology for the job. That implies choice.

Microsoft is free to innovate technology. They should not, and must not, be free to innovate new ways to skirt antitrust laws and illegally crush their competitors.

They should not, and must not, be free to manipulate any settlement to their advantage.

Respectfully,
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[I request that my mailing address be withheld from publication.]